

REMARKS

Applicants respectfully request reconsideration of this application as amended.
Claims 1-33 are added.

In response to the Office Action mailed February 28, 2007, Applicants respectfully request reconsideration of the requirement for restriction and indicate a provisional election of the following group of claims to be examined for the referenced application in the event the requirement becomes final:

Group I as claimed in Claims 1-17 and 23-33.

It states, in 35 U.S.C §121, that "If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions."

In the Office Action mailed February 28, 2007, the Examiner indicates that the inventions of groups I and II are "distinct" because they are unrelated and they are not disclosed as capable of being used together (p.2, pars. 3 & 4).

The MPEP, on the other hand, defines the term "independent" (i.e., unrelated) as meaning that there is no disclosed relationship between the two or more inventions claimed, that is, they are unconnected in design, operation, and effect (MPEP §802.01, I).

Applicant respectfully submits that the Examiner is in error for asserting that the inventions of groups I and II are unrelated and they are not disclosed as capable of being used together. Claim 23 of group I, for example, sets forth (emphasis added):

23. An optical signaling system comprising:
 - a laser driver having a bias control and a modulation control, said laser driver to receive a first digital voltage sequence and to generate a first current signal having a bias mode adjustable by said bias control and a modulation mode adjustable by said modulation control;
 - a laser to generate a first optical signal responsive to the first current signal of the laser driver;
 - a first photo-detector to receive a second optical signal and to generate a second current signal;
 - a first transimpedance amplifier circuit to convert the second current

signal to a first differential voltage signal;
a clock recovery circuit having a phase interpolator to generate an aligned clock signal for said first differential voltage signal; and
a sampler circuit to generate a second digital voltage sequence responsive at least in part to the aligned clock signal and the first differential voltage signal.

while Claim 18 of group II sets forth (emphasis added):

18. An optical receiver comprising:
a first photo-detector to receive a first optical signal and to generate a first current signal;
a first transimpedance amplifier circuit to convert the first current signal to a first differential voltage signal;
a clock recovery circuit having a phase interpolator to generate an aligned clock signal for said first differential voltage signal;
a sampler circuit to receive the aligned clock signal and to receive the differential voltage signal and to generate a digital voltage sequence; and
a deserializer circuit to receive the digital voltage sequence and to generate an N-bit data.

Applicant respectfully submits that inventions of groups I and II are used together in Claim 23, and disclosed in the specification being used together in paragraphs 29-40 and 73-77, as well as in Figures 1a, 1b and 8.

Two or more inventions are related (i.e., not independent) if they are disclosed as connected in at least one of design (e.g., structure or method of manufacture), operation (e.g., function or method of use), or effect. Examples of related inventions include combination and part (subcombination) thereof. Related inventions are distinct if the inventions *as claimed* are not connected in at least one of design, operation, or effect (e.g., can be made by, or used in, a materially different process) and wherein at least one invention is PATENTABLE (novel and nonobvious) OVER THE OTHER (though they may each be unpatentable over the prior art) (MPEP §802.01, II).

CONCLUSION

Applicants respectfully submit the present claims for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Lawrence M. Mennemeier at (408) 765-2194.

Authorization is hereby given to charge our Deposit Account No. 50-0221 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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/s/Lawrence M. Mennemeier/
Lawrence M. Mennemeier
Reg. No. 51,003

INTEL CORPORATION
c/o INTELLEVATE LLP
P.O. Box 52050
Minneapolis, MN 55402
(408) 765-2194